

Appl. No. 10/672,228
Amtd. dated May 16, 2005
Reply to Office action of April 18, 2005
Page 9

REMARKS

Claims 1-17 and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Reinhold (US 4,531,527, hereinafter "Reinhold"). Claim 9 stands rejected under 35 U.S.C. 102(b) as being anticipated by Reinhold. Claims 23-25 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ryan (US 5,350,411, hereinafter "Ryan"). Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhold in view of Sholder (US 5,899,928), hereinafter "Sholder"). Applicant respectfully traverses these rejection.

As the Examiner is well aware for a reference to anticipate a claim, that reference must teach each and every element of the claim. Contrary to the Examiner's assertion, Reinhold does not teach transmitting one let alone a plurality of EGM signals, receiving a signal from an IMD, modulating EGM signals from the IMD nor transmitting the modulated signal. As such the rejection is unsupportable and must be withdrawn.

Reinhold does not deal with nor address any implantable medical device. It merely deals with surface mounted or external devices (e.g., Holter recorder) that provide EKG (electrocardiogram) data. EGM (electrogram) data is obtained internally from an implanted device (pacemaker, defibrillator, etc.). The referenced section of Reinhold does not teach obtaining EGM data from an implanted device and only addresses surface EKG data from an external device.

With respect to Ryan, the cited portion of the reference deals with downlink telemetry (external device to implanted device – see Col. 2, 38 – 45). Uplink telemetry is referenced at Col. 4, lines 47+. The claims (23-25) address data coming from an IMD (e.g., uplink telemetry). As such, the claims are not anticipated and the rejection must be withdrawn.

Appl. No. 10/672,228
Amdt. dated May 16, 2005
Reply to Office action of April 18, 2005
Page 10


The remaining claims are allowable for the same or similar reasons. Applicant respectfully asserts that this application is in condition for allowance and notice of the same is respectfully requested. Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution.

Respectfully submitted,

MICHAEL BERGELSON ET AL.

12/16/05

Date



Daniel G. Chapik
Reg. No. 43,424
(763) 514-3066
Customer No. 27581